

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
PETE AGAPITO CHAVEZ,
Defendant.

Case No. [11-cr-00331-MMC-1](#)


**ORDER DENYING REQUEST OF
APPOINTMENT OF COUNSEL**

The Court is in receipt of a letter, dated February 13, 2023, in which defendant Pete Agapito Chavez requests appointment of counsel for the purpose of advising him, and perhaps challenging, the Bureau of Prisons ("BOP") determination as to the length of his stay in a halfway house near the end of his prison term. (See Dkt. No. 159.) Although defendant cites to the Second Chance Act, that legislation does not create an enforceable right to early release to a halfway house or to such release for any particular length of time. See, e.g., McDonald v. Obama, 2010 WL 1526443, at *1 (M.D. Pa. Mar. 15, 2010), report and recommendation adopted, 2010 WL 1526447 (M.D. Pa. Apr. 15, 2010). Additionally, to the extent defendant might choose to challenge his continued confinement by way of a habeas corpus petition, and, in connection therewith, seek appointment of counsel, such relief must be sought in the district wherein he is confined, which, in this case, is the Central District of California.

Accordingly, the request for appointment of counsel is hereby DENIED.

IT IS SO ORDERED.

Dated: March 17, 2023


MAXINE M. CHESNEY
United States District Judge